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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LE, UYEN T

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,914

Applicant(s)

AL-KOFAHI ET AL.

Examiner

Uyen T. Le

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Note the method of claims 21-28 can be merely performed by a person using paper and pencil, thus it does not meet the test for producing a "useful, concrete and tangible result" set out in *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601-02.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention because the specification does not provide sufficient support for the claimed "class-specific weight". Note the "class-specific weight" appears only once in the specification without any further explanation.

Art Unit: 2171

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20, 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because:

- claim 1, line 10 "the class" lacks antecedent basis. Furthermore, it is not clear what applicant meant by "class-specific weight"
- claim 28, it is not understood how one score includes four more scores.

The art rejection of claims 1-20, 28 has not been applied because the limitations cannot be ascertained.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Zernik (US 5,383,120).

Regarding claim 21, Zernik discloses "identifying one or more noun-word pairs in a portion of text" (see the abstract).

Regarding claim 22, Zernik discloses "identifying a first noun...of the first noun" when Zernik shows the pairs of noun-verb, adjective-noun, verb-noun (see the abstract).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zernik (US 5,383,120), in view of Wiltshire, Jr. et al (US 6,502,081).

Regarding claim 23, although Zernik does not specifically show excluding a set of one or more stop words, it is well known in the art as shown by Wiltshire to exclude meaningless stop words (see column 5, lines 41-43). Therefore, it would have been obvious to one of ordinary skill in the art to include the claimed feature while implementing the method of Zernik in order to eliminate meaningless words.

Regarding claim 24, although Zernik does not specifically show the portion of text is a paragraph, it is well known in the art as shown by Wiltshire to process any size of text unit for identification (see column 6, lines 40-42). Therefore, it would have been obvious to one of ordinary skill in the art to include the claimed feature while implementing the method of Zernik for paragraph identification.

Regarding claim 25, although Zernik does not specifically show determining scores based on frequencies as claimed, it is well known in the art to do so as shown by Wiltshire (see column 5, lines 56-64). Therefore, it would have been obvious to one of ordinary skill in the art to include the claimed feature while implementing the method of Zernik in order to identify the most relevant topics during classification.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Horvitz et al (US 2004/0039786) teach bulk email filter within a system for classifying messages for urgency of importance.

Renz (US 6,038,527) teaches generating descriptors for the classification of texts.

Kupiec et al (US 5,918,240) teach automatic method of extracting summarization using feature probabilities.

Kupiec et al (US 5,778,397) teach automatic method of generating feature probabilities for automatic extracting summarization.

Sundaresan et al (US 6,651,058) teach automatic discovery of terms in a document that are relevant to a given target topic.

Haigh et al (US 2003/0004716) teach determining a measure of similarity between natural language sentences.

Sharma et al (US 6,760,701) teach sub-word composite score.

Brown et al (US 2002/0099730) teach automatic text classification system.

Wolin (US 6,751,600) teaches automatic categorization of items.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T. Le whose telephone number is 703-305-4134. The examiner can normally be reached on M-F 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10 July 2004



UYEN LE
PRIMARY EXAMINER